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## Labour Law in the Digital Age (Report on International Scientific Conference Held on November 6<sup>th</sup>, 2017)

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**Abstract:** *Report on Labour Law in the Digital Age – the International Scientific Conference of the Department of Labour Law and Social Security Law of the Faculty of Law at the Trnava University in Trnava, Slovakia.*

**Key Words:** *Report; International Scientific Conference; Labour Law; Digital Age; Faculty of Law; Trnava University in Trnava; the Slovak Republic.*

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On November 6<sup>th</sup>, 2017, international scientific conference entitled “Labour Law in the Digital Age” organised by the Department of Labour Law and Social Security Law of the Faculty of Law at the Trnava University in Trnava was held in the Trnava’s IMPIQ hotel conference room. The conference was realised within the framework of the research project No. APVV-15-0066: “New Technologies in Labour Law and Protection of the Employee”, with prof. JUDr. Helena Barancová, DrSc., as its responsible researcher, being also the scientific guarantor of this conference.

As already in the conference invitation itself stated, the research team made significant progress in this research project and organised, therefore, a conference where it wanted to share the lessons learned from the solution of the research project with the professional public.

Since the beginning, the scientific conference enjoyed a great interest from its participants, with a total number of 27 participants contributing to it. The international dimension of the conference, as well as its importance was reflected in the participation of several foreign guests, representatives of legal science and practice. Several major participants, academics, representatives of the advocacy, as well as representatives of other major institutions attended the conference. The discussion was open, with participants of the conference actively contributing to the professional and scientific debates on the form of modern labour law corresponding to the requirements of the digital age.

The conference was opened and the guests were welcomed by the Dean of the Faculty of Law at the Trnava University in Trnava, Assoc.

Prof. JUDr. Mgr. Andrea Olšovská, Ph.D. After her remarks, conference continued with intercession of PhDr. Emil Machyna, the Chairman of the trade-union OZ KOVO Council. Subsequently, the participants of the conference presented their contributions individually.



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In general, three main topic groups dominated the conference.

The first round was built up by contributions that interfered in particular with the subject of the collaborative (shared) economy, as this issue means clearly one of the new social challenges. For example, it was prof. JUDr. Helena Barancová, DrSc., who talked about the form of labour law in the digital age. No less interesting and engaging was the contribution presented by Assoc. Prof. JUDr. Jarmila Pavlátová, CSc., who dealt with some current issues of the labour market. The means of modern technology and its influence on the legal regulation of labour relations in the Czech Republic were discussed by JUDr. Jakub Morávek, Ph.D., from the Charles University in Prague. JUDr. Viktor Križan, Ph.D., devoted his contribution to the platform Uber and its current legal disputes in Europe and throughout the world. The contribution about protection of the agency employee in the digital age was elaborated on by Mgr. Michal Dittrich. Assoc. Prof. JUDr. Monika Jurčová, Ph.D., contributed also to the topic of the collaborative economy, along with her paper on the draft of the Directive on Online Intermediary Platforms.

The second round of the most frequent contributions concerned a very recent decision by the Grand Chamber of the European Court of Human Rights in the *Bărbulescu v. Romania* case on September 5<sup>th</sup>, 2017, as well as the development of the whole procedure and of the other circumstances that accompanied it. The participants analysed very well and thoroughly all aspects of the case in their contributions presented during the conference. Since the entire dispute was the competition of two opposing rights, namely the employer's right to supervise the employees in order to protect the own property and the right of the employees to protect their privacy and the integrity of postal secrets, this was a very compelling and significant labour law case affecting employees' privacy. In relation to this above-mentioned case, in the joint contribution on new knowledge and approaches in the area of the employee monitoring attention was devoted by JUDr. Juraj Hamulák, Ph.D., and JUDr. Vladimír Minčíč, Ph.D., from the Faculty of Law of the Comenius University in Bratislava. There was also presented a paper about protection of the personality of an employee in electronic communication by Mgr. Miroslav Hromada, Ph.D., who dealt with the above-mentioned decision. The influence of this dispute on the decision-making processes of the courts in the Slovak Republic was again discussed by JUDr. Silvia Beierová. About the camera system at the workplace and the employees' right to privacy talked in her contribution Mgr. Monika Škvarková. Monitoring of employees in the road transport was especially handled by JUDr. Jozef Greguš. To the topics of privacy and protection of personal data contributed JUDr. Erik Schwarcz from the law firm GHS Legal, s.r.o., dealing with the General Data Protection Regulation – the new European Union regulation that enters into force on May 25<sup>th</sup>, 2018, and aims to increase the level of protection of personal data and to strengthen the rights of the European Union citizens in this area.

The third group of the most frequent contributions looked at the issue of labour law in the digital age from the point of view of health and safety at work, not only from the point of view of protecting the physical health of the employee, but also from the point of view of protecting his/her mental health. The contribution of the Dean of the Faculty of Law at the Trnava University in Trnava, Assoc. Prof. JUDr. Mgr. Andrea Olšovská, Ph.D, who prepared it in cooperation with Assoc. Prof. JUDr. Miriam LACLAVÍKOVÁ, Ph.D., was held on the topic of new technologies and safety and health at work. JUDr. Marcel Dolobáč, Ph.D., from the Law Faculty of the Pavel Jozef Šafárik University in Košice, lectured about the technostress

and protection of mental health of the employees. His colleague from the same faculty, JUDr. Jana Žu'ová, Ph.D., talked about the social rights of the teleworkers. About the right of disconnection of the employee from the employer in the French law was possible to learn more from the contribution of JUDr. Mgr. Eva Šimečková, Ph.D.



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Furthermore, we also have to mention the contribution on new phenomenon in social security presented by Assoc. Prof. JUDr. Ján Matlák, CSc. Another contribution on the positions of graduates in the digitised labour market was prepared by Mgr. Denisa Nevická and the contribution on the protection of intellectual property rights in labour law relations by JUDr. Peter Tonhauser, Ph.D.

The main aim of the conference as well as the scientific discussions were to highlight the currently selected theoretical and application problems in labour law that are caused by automation and robotization in the manufacturing processes and by the daily use of modern information technologies. It can be said that the main purpose of the conference was satisfactorily fulfilled because this international scientific event created a space for the exchange of scientific knowledge and practical experience that were presented, not only in the individual contributions, but also within the discussions on these issues. In addition to the national context, attention was also paid to the international legal aspects and relevant

case law of the European Court of Human Rights in Strasbourg, in particular to the currently often mentioned case *Bărbulescu* against Romania as well as to the proceedings of the national courts in foreign countries in relation to the Uber platform (proceedings before the courts in Spain, the United Kingdom and France) and to the preliminary rulings of certain cases before the Court of Justice of the European Union.

Although all the contributions were unique and individual, addressing specific areas, all participants agreed that the new models of the collaborative economy fundamentally wiped out the clear differences between the employee and the self-employed (as well as the differences between the entrepreneur and the consumer). As a result, some of the individuals involved in new legal models of the collaborative economy have a legal status of the self-employed persons, even if they fill the signs of dependent work, or, on the contrary, they get into a position where they do not meet all the signs of dependent work and, at the same time, also do not meet all the signs of business. The development of new business models of the collaborative economy has now expanded to such an extent that law, including labour law, lags far behind in its regulation. The contributions of the conference participants thus sought to respond to these innovations brought about by the collaborative economy, often expressing their views of *de lege ferenda* to modify the current legal order.

The organisers intend to publish a textbook as an outcome from this international scientific conference. The textbook should be technically and bibliographically prepared by the Leges Publishing House in Prague.

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